

### **Remarks**

After careful consideration of the outstanding Office Action, this application has been amended accordingly, and favorable reconsideration on the merits thereof is at this time respectfully requested.

The Examiner objected to claim 8 because of the incorrect reference numeral appearing therein. Incorrect reference numeral "8" has been changed to – 6 –, as the Examiner suggested. Thus, this issue has now been resolved.

The major issue of record involves the rejection of all of the claims, most importantly the rejection of the single independent claim of record (claim 1) "under 35 U.S.C. 103(a) as being unpatentable over Dawlr (GB2248160) in view of Lang et al (6,467,358)." As will be discussed immediately hereinafter, claim 1 as originally presented overcomes the Dawlr teaching "as a whole" or in its entirety. (See Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18, 148 USPQ 459, 467 (1966).) In addition, the subject matter of claim 3 has been incorporated into independent claim 1, and the latter further overcomes the combination of the prior art utilized in earlier rejecting claim 3 utilizing the patent to Mischel, Jr. (5,408,069).

Turning first to the subject matter of claim 1, the mirror is defined as including a first transparent glass plate 4 having a reflecting coating 2 thereupon and a second glass plate 10 having an electrically conducting coating 14. The claims specifically recites "the first glass plate (4) is bonded to a second glass plate (10) with the aid of a transparent adhesive layer (12) in the form of a laminated glass pane." (Emphasis, the undersigned's.) In

applying the patent to Dawlr against independent claim 1, the Examiner stated that the first glass plate 2 is bonded to a second glass plate 4 with “an adhesive layer 5, 6 that must be transparent in order for the mirror being functioned.” With due respect, the latter assumption, statement and conclusion are all incorrect.

In accordance with the Dawlr teaching, the invention is directed to “a laminated heatable mirror assembly comprising a mirror coating deposited upon a first glass sheet which is laminated by its coated face to a second glass sheet by means of intervening adhesive **polymeric** material.” (See page 1, lines 1 through 4.) The “intervening adhesive polymeric material” are the layers 5, 6 which the Examiner asserts “**must** be transparent in order for the mirror being functioned.” The latter-quoted statement is incorrect because it makes absolutely no sense for the adhesive layers 5, 6 to be transparent when the layer 3 is “an opaque metal coating” which functions to reflect light in the mirror image (page 9, lines 22-24). Since no light passes beyond the opaque metal coating 3, the assumption/assertion that the adhesive layers 5, 6 are transparent is completely misdirected and at best has been gleaned through hindsight from Applicant’s disclosure. Most adhesive polymeric materials 5, 6 are opaque and to construct such layers of transparent adhesive polymeric material would make no sense when transparency is not a requirement. As is most evident in Figure 2 of the Dawlr patent, the **sole** purpose of the laminated adhesive polymeric layers 5, 6 is to **bond** the first glass plate 2, 3 to the second glass plate 4, 7 with the first glass plate providing reflective/mirror characteristics and the

second glass plate 4, 7 providing heat. Clearly, the adhesive layers 5, 6 are opaque and the mirror of Dawlr is completely functional.

It is also interesting to note that the Examiner's description of the Dawlr patent uses the expression "adhesive layer 5, 6," yet disregards the last clause of the limitation in claim 1 which states that the transparent adhesive layer 12 is in the "form of a laminated **glass** pane." A laminate of two polymer materials, as in Dawlr is not "a laminated glass pane" constituting a transparent adhesive layer 12 between the first and second glass plates 4, 10, respectively. Dawlr describes "that the two films 5 and 6 of interposed polymer material are shown separately for the purposes of clarity, whereas in the finished laminate, these films are in practice welded into a single layer of interposed **polymer** material." Thus, the laminate is polymer/polymer and the reason therefor is because the "strip 12 of the first lead passes through the sheet 6 of polymer material at the location shown by reference 14 in Fig. 1 and follows a path located **between** the films 5 and 6 of polymer material as shown in Fig. 3, i.e., located within the laminate." (See page 10, lines 6-10.) Therefore, the "adhesive layer 5, 6" is in actual practice a polymer/conductor/polymer laminate in which the sole characteristic of importance is its bonding capacity with respect to the conductor and with respect to the two glass sheets. Such polymer material can be formed of "PVB" (page 11, line 14) which is polyvinyl butyral which has been used in safety glass/shatter-proof glass manufacture since the late 1930's. In such cases, the PVB is transparent since transparency and visibility is necessary in such products as automotive windshields but not so as a pure hot melt adhesive/sheet/laminate for only **bonding** purposes.

In view of the foregoing, the two limitations which find no counterpart in the patent to Dawlr and which are recited in claim 1 are "a **transparent** adhesive layer (12) in the form of a laminated **glass** pane," and neither is suggested nor rendered obvious to a person skilled in the art by the content of the Dawlr patent or the secondarily applied teaching of the patent to Lang et al. (6,476,358). Therefore, the formal allowance of claim 1 and each of the claims depending therefrom is clearly in order and would be most appreciated.

The Examiner also applied the patent to Lang et al. in the rejection of independent claim 1 in stating: "It would have been obvious to one having ordinary skill in the art to modify Dawlr's invention to include a partially reflective portion and diode as taught by Lang in order to provide illumination of the mirror and made his mirror having half-reflecting portions... because it is deemed that the particular use of the mirror will be determined by the user having a desired application in mind." The last clause of the latter-quoted phrase is apparently directed to the issue of "motivation," but it truly makes no sense whatsoever. Be that as it may, the patent to Lang has no bearing on claim 1 and, more importantly, discloses a heatable rearview mirror for a motor vehicle in which only one glass plate 8 has a reflecting coating 10 which is interrupted at an aperture 58 in order to allow an LED 42 to be visible/operative from the outside environment. The patent to Lang et al. lacks any disclosure of a second glass plate laminated with the aid of a transparent adhesive layer in the form of a laminated glass pane and does not disclose electrical means which are mounted on an electrical conducting coating of the second glass plate. Accordingly, the

Lang et al. disclosure in no way renders claim 1 obvious and, once again, the allowance of this claim and the claims depending therefrom would be most appreciated.

As was noted earlier herein, the undersigned included in independent claim 1 the subject matter of now-cancelled claim 3 against which the Examiner applied the patent to Mischel, Jr. (5,408,069) for the disclosure of "a heated mirror comprising a main heating layer 20 having integrated electrical means—leads 60a and 60b, the layer is divided into a plurality of conductor paths 36 and 38 which a [sic] separated from each other by an [sic] isolation paths 68 and 70 (col. 6, lines 54-68)." The Examiner considers it obvious to a person skilled in the art to modify "the invention of Dawlr in view of Lang to include isolation paths in their **heating** mirror in order to prevent the leads from shorting." The limitation of claim 3 incorporated into claim 1 has nothing to do with preventing shorting from overheating. Instead, as recited in more limited claim 8, the electrical means 6 are "composed of illumination and/or switching and/or display means." The heating surface 20 is recited in claim 6 and has nothing to do with the electrical means 6 of independent claim 1 which are recited as being "mounted on an electrically conducting coating (14) of the second glass plate (10) in portions opposite," etc. According, the patent to Mischel, Jr. is further evidence of the unobviousness of the present invention, not the contrary. Therefore, the formal allowance of claim 1 is again urged to be in order.


In view of the foregoing, the withdrawal of the rejection of independent claim 1, as well as each of the claims depending therefrom, is

respectfully requested, followed by the prompt passage of this application to issue at an early date.

Very respectfully,

DILLER, RAMIK & WIGHT

By:

A handwritten signature in black ink, appearing to read "Vincent L. Ramik", written over a horizontal line.

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